

REMARKS

Reconsideration of the application as amended is requested.

Claims Status

Claims 42 to 67 are pending. No claims are canceled or withdrawn from consideration in this paper. Claims 42 to 67 have been amended. New claims 68 and 69 have been added.

Claims 42, 43, 46, 48, 56, 59, 60, 62, and 65 are amended to replace the term “pressure layer” with the term “securing mechanism” conforming to the usage in the specification, e.g., paragraphs [0001], [0004], [0057], etc. No new matter is introduced by this amendment.

Claim Objection

Claim 65 is amended to cancel the redundant appearance of the term “having” as suggested by the Examiner.

§ 112 Rejections

Claims 42 to 67 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards (or Applicants regard) as the invention, as follows: (1) recitation of the limitation “threshold level” in claims 42, 59, 60, 62, and 65; (2) recitation of the term “substantially” in line 2 of claim 46; and (3) recitation of the limitations “generally linear” and “and generally parallel” in claim 54.

As used in the present application, the term “threshold level of pressure” refers to a magnitude of pressure which when applied to the securing mechanism causes deformation of the securing mechanism such that the pressure sensitive adhesive is brought into engagement with a mounting substrate thereby securing the sheet thereto. The term is used throughout the application, e.g., in paragraphs [0001], [0004], [0057], [0059], [0069], [0071], [0072], [0074], [0078], [0082], [0085], [0094], [0099], [0103], [0107], [0108], [0111], and [0113], the Abstract, etc. Applicants respectfully submit that the term as used herein including in the claims will be readily understood by those skilled in the art upon reading the present application and that its use in claims 42, 59, 60, 62, and 65 is compliant with 35 USC § 112, second paragraph.

Claim 46 recites, *inter alia*, that the “pressure layer substantially returns to its original undeformed shape”. By “substantially” is meant that the layer returns sufficiently closely to its original shape that the arrangement of the adhesive in a spaced from or standoff position from the substrate is restored. This meaning would be readily understood by those skilled in the art, reinforced by, e.g., paragraph [0004] and [0113],

Claim 54 was rejected for use of the terms “generally linear” and “generally” parallel. Although Applicants respectfully submit that these terms would be readily understood by those skilled in the art, claim 54 is amended herein to delete the term “modifier” to expedite prosecution. This amendment is made without prejudice and does not affect the scope of the claim.

In view of the foregoing remarks and amendment, Applicants respectfully submit that the claims would be readily understood by those skilled in the art and that they are definite in compliance with 35 USC § 112, second paragraph. Accordingly, withdrawal of the rejection thereunder is respectfully requested.

§ 102 Rejections

Claims 42, 46, 47, 51 to 55, and 65 to 67 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Appln. Publn. No. 2002/0179237 (Inagaki et al.).

Claims 42 to 67 have been amended to recite “index card” rather than sheet. The reference is directed to adhesive sheets capable of repeated adhesion and release, such as are used in packaging bags. It does not disclose index cards.

In view of this amendment alone, the subject claims are novel over the sheets disclosed in Inagaki et al.

Applicants respectfully submit that the rejection of claims 42, 46, 47, 51 to 55, and 65 to 67 under 35 USC § 102(b) as being anticipated by Inagaki et al. has been overcome and should be withdrawn.

§ 103 Rejections

Claims 43 to 45 and 48 to 60 are rejected under 35 USC § 103(a) as being unpatentable over Inagaki et al. in view of U.S. Patent No. 3,517,106 (Chase).

Claims 43 to 45 and 48 to 60 are ultimately dependent from claim 42. Accordingly, they are patentable over primary reference Inagaki et al. as discussed above.

Some of the deficiencies of primary reference Inagaki et al. are noted above. Secondary reference Chase does not cure these deficiencies. Among the distinctions of Chase from the present invention are that in Chase an article, i.e., a picture, is selectively bent into contact with the adhesive layer whereas in the instant invention the layer of adhesive is itself selectively bent into contact with a substrate to secure the article, i.e., index card, bearing the adhesive into contact with the substrate.

Claims 56 to 60 are rejected under 35 USC § 103(a) as being unpatentable over Inagaki et al. in view of U.S. Patent No. 5,924,227 (Sommers).

Claims 56 to 60 are ultimately dependent from claim 42. Accordingly, they are patentable over primary reference Inagaki et al. as discussed above.

Even if one skilled in the art were to consider secondary reference Sommers, the proposed combination would not cure the deficiencies of Inagaki et al. In Sommers, the folded over portion is provided to provide increased area on which to record information on a card that must fit into a confined small space. In the instant invention, the folded over portion acts as the standoff element.

Claim 61 is rejected under 35 USC § 103(a) as being unpatentable over Inagaki et al. in view of U.S. Patent No. 5,824,415 (Kanki et al.).

Claim 61 is dependent from claim 42. Accordingly, it is patentable over primary reference Inagaki et al. as discussed above.

Secondary reference Kanki et al. does not cure the deficiencies of Inagaki et al. Thus Applicants respectfully submit that claim 61 is patentable over the proposed combination of references.

Claims 62 to 64 are rejected under 35 USC § 103(a) as being unpatentable over Inagaki et al. in view of U.S. Patent No. 5,141,790 (Calhoun et al.).

Claims 62 to 64 are ultimately dependent from claim 42. Accordingly, they are patentable over primary reference Inagaki et al. as discussed above.

Secondary reference Calhoun et al. discloses an adhesive tape or sheet construction comprising a layer of pressure sensitive adhesive with protrusions or clumps of non-adhesive particles protruding therefrom. In contrast to the structure described in the reference where the adhesive layer has protusions or clumps extending therefrom, claims 62 to 64 recite that the adhesive is located only within the recess.

Claims 42 to 44, 48, and 49 are rejected under 35 USC § 103(a) as being unpatentable over Chase in view of Inagaki et al.

As discussed above, in the construction disclosed in Chase, the article to which the adhesive is to be bonded to is bent into contact with the adhesive. In contrast, in the present invention and as recited in each of the claims, the adhesive bearing article is bent or deformed to bond the adhesive to the substrate. Applicants' invention operates in a different manner than does that of primary reference Chase

In summary, Applicants respectfully submit that each of the rejections under 35 USC § 103(a) has been overcome and should be withdrawn.

New Claims 68 and 69

New dependent claims 68 and 69, directed to stacks of index cards of the invention have been added.

Claim 68 recites the stack arrangement with two or more of the subject index cards in top to bottom arrangement and not sticking to one another. Antecedent basis is found in, e.g., Fig. 8 and paragraphs [0012] and [0058].

Claim 69 recites that the cards in the stack can be shuffled without sticking to one another. Antecedent basis is found in, e.g., paragraphs [0058] and [0103].

These advantageous capabilities of index cards of the invention are of great utility and convenience. None of the references discloses or even suggests a such stacks of articles as described in claims 68 and 69.

Accordingly, Applicants respectfully submit that claims 68 and 69 are patentable.

CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance.

Respectfully submitted,

1 April 2010
Date

By: /Robert H. Jordan/
Robert H. Jordan, Reg. No.: 31,973
Telephone No.: 651-733-6866

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833